

CITY OF ALBUQUERQUE



January 7, 2014

Mr. Vern Hershberger, CHMM LEED AP, Senior Consultant
Trinity Consultants
9400 Holly Blvd NE, Building 3, Suite 300
Albuquerque, NM 87122

Re: Albuquerque Air Quality Program's (AQP) response to comments regarding proposed amendments to 20.11.63 NMAC, *New Source Performance Standards (NSPS) For Stationary Sources* and 20.11.64 NMAC, *Emission Standards for Hazardous Air Pollutants for Stationary Sources*

Dear Mr. Hershberger,

Thank you for your review of our proposed amendments to 20.11.63 NMAC, and 20.11.64 NMAC. Please find our responses to your comments below.

Comment:

"Is the AQD or Air Board considering just adopting the federal NSPS and HAPs requirements into the local regs, or might they want to add anything additional, like for HAPs?"

AQP Response

The proposed amendments to 20.11.63 NMAC and 20.11.64 NMAC only concern incorporating by reference New Source Performance Standards ("NSPS") and National Emissions Standards For Hazardous Air Pollutants ("NESHAPs") promulgated by the United States Environmental Protection Agency ("EPA") since August 29, 2011 (e.g. the date of the previous updated incorporation by reference) and through September 13, 2013.

Comment:

"I remember hearing that the NM State Air Act may allow more restrictive regulation of HAPs in NM, so I'm curious about the scope of what may be considered."

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AQP Response:

The Air Quality Control Act ("Air Act") limits the authority of the Air Board when regulating hazardous air pollutants ("HAPs"). Subject to certain exceptions not relevant here, rules for HAPs must be at least as stringent as and no more stringent than required by federal standards of performance [NMSA 1978, § 74-2-5(C)]. The AQP is only proposing incorporating by reference New Source Performance Standards ("NSPS") and National Emissions Standards For Hazardous Air Pollutants ("NESHAPs") promulgated by the United States Environmental Protection Agency ("EPA") since August 29, 2011 (e.g. the date of the previous updated incorporation by reference) and through September 13, 2013

Should you have any questions regarding this matter, please do not hesitate to contact me at (505) 768-2660, or nbutt@cabq.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal Butt", with a long horizontal line extending to the right.

Neal Butt
Environmental Health Scientist
Air Quality Program

cc: Danny Nevarez, Deputy Director, Environmental Health Department
Margaret Nieto, Control Strategies Supervisor, AQP